

STATE OF NEW YORK

OFFICE OF THE ATTORNEY GENERAL

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ANDREW M. CUOMO
Attorney General

MEMO ENDORSED

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

March 27, 2008

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

By Hand Delivery to:

The Honorable Richard M. Berman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Emmanuel v. DOCS et al.
08 Civ. 1250 (RMB)(THK)

*Application Granted
On Consent*

SO ORDERED:

RMB

RICHARD M. BERMAN U.S.D.J.

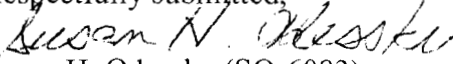
3/28/08

Your Honor:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, counsel for defendants New York State Department of Correctional Services, and individual defendants Van Valkenberg, Munafo, Wilson and Murray. An answer or motion in lieu of an answer on behalf of the New York State Department of Correctional Services would be due on March 27, 2008, defendant Wilson's answer would be due on March 28, 2008 and the remaining defendants' answers would be due by March 31, 2008. I write respectfully to request an extension of time until May 5, 2008 for all of the defendants to respond to the complaint. Plaintiff's counsel has consented to this request via telephone. The extension is needed in order for my Office to review the complaint with the defendants already served and to gather any necessary records in order to make a thorough response to the complaint. The requested extension should not disturb the pre-trial conference scheduled for May 12, 2008. No previous request for an extension of time to answer or otherwise respond to the complaint has been made.

I thank the Court its consideration of this request.

Respectfully submitted,


Susan H. Odessky (SO-6083)
Assistant Attorney General
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cc: **Via Facsimile at (516) 358-1730 to:**

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